



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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the Handbook

## **Chapter 3**

# **Precincts and Polling Places**

June 2019

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<b>3. PRECINCTS AND POLLING PLACES .....</b>	<b>3</b>
<b>3.1 CHAPTER ORGANIZATION .....</b>	<b>3</b>
<b>3.2 PRECINCTS .....</b>	<b>4</b>
3.2.1 WHAT IS A PRECINCT? .....	4
3.2.2 HOW TO ESTABLISH OR CHANGE A PRECINCT .....	4
3.2.3 LAWS GOVERNING PRECINCTS.....	5
3.2.4 SPLIT PRECINCTS .....	7
<b>3.3 POLLING PLACES.....</b>	<b>9</b>
3.3.1 WHAT IS A POLLING PLACE .....	9
3.3.2 HOW TO ESTABLISH OR RELOCATE A POLLING PLACE.....	9
3.3.3 LAWS GOVERNING POLLING PLACES .....	11
3.3.4 OPERATING A SPLIT PRECINCT POLLING LOCATION.....	15
<b>3.4 PROCESS TO CHANGE PRECINCT OR POLLING PLACE .....</b>	<b>17</b>
3.4.1 HB 767 FROM THE 2018 LEGISLATIVE SESSION .....	17
3.4.2 PROVIDING NOTICE TO THE DEPARTMENT OF ELECTIONS .....	17
3.4.3 PROVIDING NOTICE TO VOTERS .....	18

### 3. Precincts and Polling Places

<b>REQUIRED FORMS</b>  <a href="#">SBE 15 Polling Place Relocation Emergency Polling Place Relocation Approval Request Form (SBE-310) Town.docx</a> <a href="#">Emergency Polling Place Relocation Approval Request Form (SBE-310) County or City.docx</a>	<b>ADDITIONAL RESOURCES</b>  <a href="#">Virginia Constitution</a> <a href="#">Code of Virginia</a> <a href="#">Charter Provisions</a>
<b>REFERENCE</b>  <a href="#">SBE Policy 2008-013</a> <a href="#">SBE Policy 2004-007</a>	<b>REGULATIONS</b>  <a href="#">1VAC20-20-80 Complaints</a> <a href="#">1VAC20-60-30 Electronic Devices in Polling Places</a>

#### 3.1 CHAPTER ORGANIZATION

Members of the local electoral board and general registrars work with the local governing body to establish precincts and polling places that meet the requirements of law, the needs of the locality, and the needs of the voters in each precinct. This chapter discusses requirements and best practices for general registrars and electoral boards as they manage precincts and polling places in their locality.

The first part of this chapter, §3.2 Precincts, covers general information that registrars and electoral boards should know concerning precincts. First, §3.2.1 provides a general description of what a precinct is. Next, § 3.2.2 describes how to establish or change a precinct. Section 3.2.3 provides the legal framework for precincts and discusses situations in which changing or establishing precincts may be required or prohibited. Finally, §3.2.4 discusses split precincts. This section defines split precincts, discusses why it is ideal to prevent their creation, and how to eliminate them when they do occur.

#### Frequently Asked Questions



*How would you describe a precinct?*

A **precinct** is a geographic area in a locality or town that is served by the same polling place.

*How would you describe a polling place?*

A **polling place** is the specifically designated location at which any qualified voter who is a resident of the precinct may vote.

The second part of this chapter, §3.3 Polling Places, covers general information that registrars and electoral boards should know concerning polling places. First, §3.3.1 provides a general definition of polling place. Next, §3.3.2 explains the process for establishing or relocating a polling place, and includes a discussion of emergency polling place relocations. Section 3.3.3 discusses the basic



legal requirements that all polling places must meet. A best practice guide that includes non-legal considerations for polling places is also included. Section 3.3.4 concludes the general discussion of polling places with an overview of how to operate a polling place that is located in a split precinct. Polling place layout, officer training, and election day procedures are covered.

Section 3.4 focuses the discussion of establishing and changing precincts and polling places, moving from the general discussion of working with the local governing body in §§3.2 and 3.3 to a more specific discussion of procedures to be followed by the registrar after an ordinance creating a new polling place has been passed. This discussion includes procedures for notifying ELECT and voters.

## 3.2 PRECINCTS

### 3.2.1 What is a Precinct?

A precinct is a geographic area within a locality or a town, established by ordinance by the local governing body. As per the Code of Virginia §24.2-307, the “governing body of each county and city may establish as many precincts as it deems necessary.” A precinct must be wholly contained in any district used to elect members of the local governing body.<sup>1</sup>

The local governing body also determines the location of the polling place where residents vote.

### 3.2.2 How to Establish or Change a Precinct

The governing body (board of supervisors, town council, etc.) of each locality is responsible for establishing or changing local precinct lines and **must do so by ordinance**.<sup>2</sup> The local governing body cannot establish a precinct with more than “5000 registered voters.”<sup>3</sup> At the time any precinct is established, each precinct in a county shall have “no fewer than 100 voters and each precinct in a city shall have no fewer than 500.”<sup>4</sup>

Even though the governing body bears the responsibility for creating local precincts, the general registrar and local electoral board should be directly involved in the process.

#### 3.2.2.1 Governing Body Passes Ordinance

A general registrar or electoral board should alert the governing body to the need for a new precinct, or the need to make precinct changes. The general registrar or electoral board should ensure that any proposal to change a precinct complies with federal and Virginia laws, including and especially, the accessibility provisions. Local elections officials are responsible for helping the governing body understand the relevant considerations that go into determining precinct boundaries.

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<sup>1</sup> See the Code of Virginia §24.2-307.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



### 3.2.2.2 General Registrar Notifies ELECT of Precinct Change

The general registrar must submit the SBE-15 Polling Place Relocation form to the Department of Elections for any change to a local election district, precinct, or polling place. The completed form and the accompanying ordinance or minutes from the meeting of the governing body where the change was formally adopted should be sent to VERIS Help at [verishelp@elections.virginia.gov](mailto:verishelp@elections.virginia.gov). ELECT will review the documents and make the changes in VERIS.

### 3.2.2.3 Cannot Change Precincts within 60 Days Before a General Election



The local governing body may make precinct boundary changes only outside of the 60 days before any general election.<sup>5</sup> Within the 60 days before a general election, changes to precincts are strictly prohibited. There is no emergency provision for making changes to precincts within the prohibited period.



#### Law Note

The Attorney General's 2006 opinion 06-014 stated that "a county board of supervisors is statutorily authorized to alter the boundaries of voting precincts at any time other than within sixty days before any general election." For more information, see [2006 Op. Va. Atty Gen. 014](#).

## 3.2.3 Laws Governing Precincts

### 3.2.3.1 Compact and Contiguous

Each precinct must be a compact and contiguous geographic area with clearly defined and clearly observable boundaries.<sup>6</sup> A "clearly observable boundary" can be man-made (e.g. roads, train tracks, etc.), or natural (e.g. rivers, lakes, etc.).<sup>7</sup> A single precinct cannot overlap two *unconnected* territories, but can contain more than one territory.

A precinct must also be wholly contained within an election district used for the election of one or more members of the governing body or school board for the city, county, or town.<sup>8</sup> For example, where there are two adjacent districts for two separate school board seats, a single precinct cannot overlap the two districts.

The precinct must be located completely within one school board district or the other, but multiple precincts may be located inside one district.

<sup>5</sup> 2006 Va. Atty. Gen. Op. [06-014](#).

<sup>6</sup> See the Code of Virginia §24.2-305(A).

<sup>7</sup> See the Code of Virginia §24.2-305(B).

<sup>8</sup> See the Code of Virginia §§24.2-307 (county and city) and 24.2-308 (town).



### 3.2.3.2 Minimum and Maximum Populations Served

In addition to restricting the geographic boundaries of precincts, the Code also restricts the number of voters a precinct can serve.<sup>9</sup> The Code does not restrict the number of registered voters in a town precinct.

- A **county precinct** – when established, can contain no less than 100 and no more than 5,000 registered voters
- A **city precinct** – when established, can contain no less than 500 and no more than 5,000 registered voters



Please note that a precinct containing an insufficient number of registered voters may be established when a larger precinct cannot be created without causing a precinct split (see 3.2.4 Split Precincts below).<sup>10</sup>

### 3.2.3.3 Changes in Population

Precincts may need to be established or adjusted for any number of reasons. The general registrar or electoral board should notify the governing body when a precinct experiences a significant shift in population, particularly if the population begins to approach statutory limits. The general registrar **must notify the governing body if the presidential election turnout for a precinct exceeds 4,000**.<sup>11</sup> The governing body must revise the precinct boundaries within 6 months to avoid having more than 5,000 registered voters.<sup>12</sup>

### 3.2.3.4 Town Precincts

Counties that contain incorporated towns that conduct elections in accordance with local charter will also designate town precincts. Town precincts are geographic boundaries that determine where residents of each town will vote. Each town must have at least one precinct.<sup>13</sup> Town precincts and their associated polling places are only used when the election being conducted in the locality is solely for the election of town offices. Normally, town precincts are relevant to the town general elections conducted in May and any special election conducted for election of town offices only.



#### Best Practice

A town precinct is not prohibited from overlapping the boundary of a county precinct because town precincts are only operational when the surrounding county precincts are not conducting elections. However, when possible, avoid overlapping town precincts. See the Code of Virginia §24.2-310(A).

<sup>9</sup> See the Code of Virginia §24.2-307.

<sup>10</sup> See the Code of Virginia §24.2-308.

<sup>11</sup> See the Code of Virginia §24.2-307.

<sup>12</sup> *Id.*

<sup>13</sup> See the Code of Virginia §24.2-309.



Town elections conducted in conjunction with the November general election will use the surrounding county or city precincts. While town precincts may not divide town council or school board districts, there is no prohibition on these districts being divided by electoral precincts used generally.<sup>14</sup>



### Policy Note

Due to the rise in absentee voting, and the projected continued expansion of absentee voting, ELECT Policy recommends that absentee voters be excluded when calculating the number of voters a precinct will serve. However, absentee voters may be included or excluded for the purpose of calculating the number of voters in each precinct and creating new precincts when necessary. See SBE Policy 2008-13.

### 3.2.4 Split Precincts

A split precinct is one that overlaps election districts such that voters who live in the same precinct vote in different election districts. Not all voters in the same split precinct will receive the same ballot style on election day. A split precinct will need to have multiple ballot styles to serve all voters within the precinct.

Precincts can be split by congressional or General Assembly district lines. They can also be split when a town lies within a larger precinct or across locality lines. However, not all elections will result in a split in a precinct. For example, an even-year general election will not be affected by general assembly district splits except in the instance of a special election in the general assembly office.

#### 3.2.4.1 How Split Precincts Are Created

Split precincts can be created in several ways. A precinct can be split if the boundary lines adopted by the General Assembly (i.e. the House of Delegates, State Senate) do not coincide with precinct lines adopted by the locality. This may occur during redistricting. The General Assembly is not required to draw boundaries that align with precinct boundaries.

A split may also be created when a boundary change between two localities (including an annexation) crosses over a General Assembly, or congressional district line.

Towns can also be the cause of a split. This occurs when the precinct containing a town is bigger than the town, or the town is located in more than one county and a town election is held at the same time as another type of election in the county.

#### 3.2.4.2 How to Prevent a Split Precinct

When considering a proposed precinct, a locality may need to make adjustments to local districts together with precinct changes in order to prevent the creation of local

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<sup>14</sup> *Id.*



splits. To avoid local splits after the decennial census, local redistricting should be done in tandem with local reprecincting.

Localities that elect their local governing bodies from districts in November of a redistricting year (i.e. 2011, 2021, etc.) must complete their work in time for use in any June primary that may be held for those offices and the November elections. The election calendar and redistricting timeframe make it necessary for these localities to do their work at the same time the General Assembly is doing its work. In contrast, localities that do not elect local offices from districts in November of a redistricting year should be able to wait and run their November redistricting year general elections using the new precinct lines that the General Assembly adopts. These localities have until December 31st of the redistricting year to complete redistricting local office districts. Local redistricting that can follow the General Assembly's adopted plan has the advantage of allowing localities to adjust their precinct boundaries to eliminate split precincts or to create new precincts from the split precinct segments.

All localities should monitor the General Assembly's work. This can be done by contacting the Division of Legislative Services. Advance knowledge of the General Assembly's plans can help localities develop plans to draw local lines that coincide with the state legislative district lines.<sup>15</sup>

### 3.2.4.3 *How to "Heal" a Split Precinct*

Occasionally the creation of a split precinct is unavoidable. When a precinct is split, localities can sometimes take steps after the fact to remove the split. This is referred to as "healing" a split precinct.

The Code and accepted practice permit adjustments in lines following the decennial redistricting for the express purpose of making local district/ward lines coincide with state legislative or congressional lines. Methods by which adjustments can be made include the following:

- General Assembly enactment
- Local governing body adjustment affecting no more than the lesser of either 250 persons or 5 percent of the population of the ward or district<sup>16</sup>
- A judicially approved boundary change agreed to by adjacent localities<sup>17</sup>

These same strategies can be employed when a split precinct has been created by a boundary change or settlement between localities, an annexation (towns can annex; cities are currently prohibited from doing so), the creation of a new town or the reversion of a city to town status. The decennial district lines must be followed for General Assembly and congressional elections until the appropriate legislative body enacts changes to align the new jurisdictional lines.

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<sup>15</sup> See [Division of Legislative Services](#) for more information.

<sup>16</sup> See the Code of Virginia §24.2-304.1.

<sup>17</sup> See the Code of [Virginia §15.2-3106](#) et seq.





When the methods discussed above are not effective, localities may wish to either create new precincts out of their split precinct segments or to adjust precinct boundaries to eliminate the split precinct. This could add some expense in terms of number of election officials, machines, etc., but it is often preferable to living with the operational complexity of split precincts.



### Best Practice

Voters often overlook or misunderstand voter registration notices. Expect more questions from voters in the year or two after a major redistricting. If the locality has new split precincts, ELECT suggests you provide supplementary training to all office personnel who interface with voters. Train staff not to rely on their own memory or knowledge about which precincts are where, or which districts share a precinct.

## 3.3 POLLING PLACES

### 3.3.1 What is a Polling Place

A polling place is the specific location (typically a public building) where voters go to cast their ballots on election day. There is one and only one polling place associated with each precinct. The governing body must establish each polling place by ordinance.<sup>18</sup>

### 3.3.2 How to Establish or Relocate a Polling Place

The local governing body is responsible for establishing and relocating polling places; this must be done by passing an ordinance.<sup>19</sup> General registrars and electoral boards should nonetheless be directly involved in the process: scouting the locality for potential polling places, meeting with operators of proposed polling place facilities, alerting the local governing body to the need for a polling place change, helping the governing body balance the relevant considerations that go into choosing a polling place, and managing existing polling places. A good working relationship with the local governing body and the other agencies of local government is of the utmost importance for accomplishing these tasks.

#### 3.3.2.1 Cannot Change Polling Place Within 60 Days



The local governing body cannot change the location of a polling place within the 60 days before any general election.<sup>20</sup> Unlike precincts, however, there are exceptions to this rule for certain emergency situations.

#### 3.3.2.2 “Emergency” Polling Place Relocation

When an emergency makes a polling place inaccessible or unusable within 60 days before a General Election, either the electoral board or general registrar should act immediately to work with the local governing body to find an alternate polling place site in compliance with all applicable deadlines.

<sup>18</sup> §24.2-307.

<sup>19</sup> *Id.*

<sup>20</sup> §24.2-306(A).



## Frequently Asked Questions



### *What is an “emergency”?*

The term “emergency” is narrowly defined in § 24.2-310(D) as “a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.”



### **Policy Note**

In some circumstances where the Code confers responsibilities on the State Board of Elections, the Board has delegated these responsibilities to the Department of Elections. One example of this is the Department’s responsibility for approving emergency relocations of polling places where the Code of Virginia §24.2-310(D) reads that such a relocation is “subject to the prior approval of the State Board.” This and other instances where the State Board has delegated responsibilities to the Department are outlined in [State Board policy 2004-007](#), last amended September 14, 2010.



**The Department of Elections must provide prior approval for an emergency relocation of a polling place.**<sup>21</sup> The Commissioner of Elections may request the State Board of Elections consider the matter before or after approving a request, as a matter for possible action for failure to properly discharge the duties of office.<sup>22</sup> An emergency request cannot be approved unless it is clear that the nature of the emergency requires immediate action and approval by Department of Elections. If a permanent relocation is not possible, the electoral board or general registrar may erect or rent a temporary building (e.g. a trailer) as the temporary site, as long as it is generally accessible to voters. Localities are required to provide notice to both voters and candidates once approval is granted.<sup>23</sup>

A general registrar that realizes a polling location may be unsuitable for election day prior to the 60 day prohibition does not need to submit an Emergency Polling Place Relocation Approval Request (available on the Forms Warehouse). Rather, a completed SBE-15 form and the required documentation will suffice in making the needed changes.

For changes to polling locations within the 60 day prohibition period, only an emergency as defined under Va. Code §24.2-310(D) will suffice for a polling place change.

<sup>21</sup> See the Code of Virginia §24.2-310(D), “subject to the prior approval of the State Board.” This has been delegated to the Department of Elections. See, [State Board of Elections Policy 2004-007](#) as amended 9.14.2010.

<sup>22</sup> See the Code of Virginia §§24.2-103 and 24.2-234.

<sup>23</sup> See the Code of Virginia §24.2-310(D).



### 3.3.3 Laws Governing Polling Places

The polling place is the site of all major election day activities. Localities should select the polling place that best facilitates voting, while complying with the following legal requirements.

#### 3.3.3.1 Location Requirements

- There can be one, and only one, polling place for each county, city, or town precinct.<sup>24</sup>
- The polling place must be located within the boundaries of the precinct it serves or within one mile of that boundary.<sup>25</sup>
  - Exception: If a county or city precinct is established that is smaller than the minimum size requirement (in order to allow all voters in it to vote the same ballot style), then the polling place can only be located outside the precinct “if a suitable polling place is not available within the precinct.”<sup>26</sup>
  - In circumstances where a polling place is located outside the precinct it serves, multiple polling places may be situated within the same facility.<sup>27</sup>
- The polling place must also be located in the locality that it serves.<sup>28</sup>
  - Exception: a county may locate a polling place in a city that is “wholly contained within the county election district served by the precinct.”
  - Exception: a county may locate a polling place in a city where “the city is wholly contained within the county and the polling place is located on property owned by the county.”

As with precincts, a town election for town offices held in November must use the regular polling places for the county in which most of the town is located.<sup>29</sup>

#### 3.3.3.2 Facility Requirements



All polling places must be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act,<sup>30</sup> the Voting Accessibility for the Elderly and Handicapped Act,<sup>31</sup> and the Americans with Disabilities Act<sup>32</sup> relating to public services.<sup>33</sup>

- The Department provides a checklist for determining whether a prospective polling place meets these requirements.<sup>34</sup>
- This requirement is discussed in depth in Chapter 5 Accessibility.

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<sup>24</sup> See the Code of Virginia §§24.2-307 (counties and cities) and 24.2-308 (towns).

<sup>25</sup> See the Code of Virginia §24.2-310(A).

<sup>26</sup> See the Code of Virginia §24.2-309.

<sup>27</sup> See the Code of Virginia §24.2-310(B).

<sup>28</sup> See the Code of Virginia §24.2-310(A).

<sup>29</sup> See the Code of Virginia §§24.2-601 and 24.2-310(A).

<sup>30</sup> See the Code of Virginia [§51.5-1 et seq.](#)

<sup>31</sup> See [52 U.S.C. §20101 et seq.](#)

<sup>32</sup> See [42 U.S.C. §12131 et seq.](#)

<sup>33</sup> See the Code of Virginia §24.2-310(C).

<sup>34</sup> [ELECT-310C](#) (in the Forms Warehouse).



- A polling place must be “located in a public building whenever practicable.”<sup>35</sup>
  - If no public building is available, a polling place may be located in a building “which serves primarily as the headquarters, office, or assembly building” for “an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature.”<sup>36</sup>
  - The locality may only locate the polling place in another type of facility if no other building meets the requisite accessibility requirements and only with the approval of the Department of Elections.<sup>37</sup>
- Where multiple polling places have been established within the same facility, each must be located in a “separate room” or have its own “separate and defined space”.<sup>38</sup>



### Regulation Note

**1VAC20-20-80: Complaints.** Anyone may make an informal complaint either by telephone or electronically (20-20-80(A)). It is the locality’s responsibility to respond to these complaints, but the locality may request assistance from the Board as needed (20-20-80(A)). The Board must provide the forms from the Help America Vote Act of 2002 to allow people to make formal requests (20-20-80(B)). These formal complaints require review and a response from the Commissioner or Deputy Commissioner, who may contact the locality to gather more information (20-20-80(B)). If the submitted complaint does not meet the requirements of a formal complaint, it may be responded to informally by the appropriate staff (20-20-80(B)).

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<sup>35</sup> See the Code of Virginia §24.2-310(B).

<sup>36</sup> See the Code of Virginia §24.2-310.1.

<sup>37</sup> *Id.*, “unless the State Board has approved the use of the building.” This has been delegated to the Department of Elections. See, [SBE Policy 2004-007](#) as amended 9.14.2010.

<sup>38</sup> See the Code of Virginia §24.2-310(B).





### Best Practice Guide to Selecting a Polling Place

#### *Availability*

The polling place should be available for all general, special, and primary elections. Selection of a public building for the location of a polling place helps to ensure availability.

#### *Accessibility*

As discussed above, polling places are legally required to meet accessibility standards related to public services outlined in the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act (“ADA”) Local election officials should visit each potential new site and conduct an accessibility survey before recommending it. Localities should consider the effort and cost (and available funding) necessary to make the site accessible.

#### *Convenience*

Where possible, the polling place should be in a location that provides maximum ease of access for all voters in the county, city, or town precinct. A polling place should be on a well-known street or road, in a well-known public building, and in a location that requires the shortest driving time for voters in the outlying parts of the precinct. While there are no rules regarding maximum travel time to a polling place, it is recommended that, in general, a voter should not be expected to spend more than twenty minutes, under normal traffic and weather conditions, driving to the polling place from home.

#### *Security*

Polling place facilities should also provide a sense of security to voters while ensuring that a free, open, and transparent election is conducted. The ideal facility should have a secure area where voting equipment and materials can be safely stored overnight, should that be necessary.



### *Utilities*

Proper utilities are important for ensuring the effective operation of election technology and the safety and comfort of voters and election officials at the polling place. At a minimum the polling place should have electricity, adequate lighting, and phone availability. Polling places should also have adequate heat for winter elections and air conditioning for summer elections. Restroom facilities are also important. Make sure election officials are aware of how to operate utilities when the option is available (e.g. if the thermostat for the room in which polling takes place can be adjusted, or if the polling place telephone requires a particular number to reach an outside line).

### *Order*

Voting should be able to be conducted with minimal disruption by the activities that normally take place at a polling location. To evaluate whether this is possible, look at the overall facility and the actual polling place during a time of normal activity. For example, if a proposed polling place is in a school, visit on a day school is in session. Because there are elections throughout the year, this should be done even if the locality normally does not have class on November election days. Be careful with the use of gymnasiums in educational facilities. Negotiation with facility management may be necessary to ensure that no sporting or other events are scheduled for the evening of Election Day, particularly for special elections, and to make sure that sports equipment is not left where it can impede voting activities or be accessed by voters. Gyms are often cold and acoustically difficult for voters with hearing impairment, so other types of rooms are preferred if available.

When evaluating the suitability of a polling place, identify potential hazard areas (e.g. steps/sidewalks that could be icy in winter, floors that could be slick when wet). Discuss your concerns with facility management or custodial staff to ensure that these problem areas will not cause issues on election day.

### *Emergency Preparedness*

Each polling place should be equipped to respond to any number of emergency circumstances. Make sure that polling places are equipped with basic safety equipment (e.g. fire alarms, fire extinguishers, clearly marked exits). Talk to the property manager about whether emergency evacuation plans exist for each polling place (evacuation routes, meeting points, etc.). If a plan does not already exist, registrars or electoral boards should consider making one for officers. You should also consider contingency plans should an emergency make the polling place inaccessible on election day. For example, is there a secure space outside the polling place that could be used to conduct the election should the polling place become unusable? Is there a nearby facility that the polling place could be moved to in the event of an election day emergency? Registrars may consider keeping the contact information of such nearby facilities, just in case such an emergency occurs.



### 3.3.4 Operating a Split Precinct Polling Location

Split precincts require additional planning beyond that required to run a polling place with only a single ballot style. Current election technology should allow for the smooth operation of split precincts but officers of election must be mindful of the ballot style that each voters should receive and have a well-documented process for identifying the ballot style that should be received by each voter.



#### **Best Practice**

Some localities use colored cards that are handed to voters that they exchange for the correct ballot style, other localities have the ballots accessible to the check in clerks who distribute ballots.

#### 3.3.4.1 *Precinct Organization*

How a split precinct is laid out may vary, but these variations tend toward two extremes. Some localities treat precinct segments separately. These localities may use colored cards that direct voters to separate areas where they are handed the correct ballot style and/or given access to the correct voting device. Other localities chose to have a less clear separation between precinct segments.

The choice of how to organize affects your polling place set-up, the number of machines, lines, and officers that you need, as well as the supplies used in the precinct and envelopes for returning the official supplies. Variables that may impact the choice of setup include the type of voting equipment in use, whether e-pollbooks or paper pollbooks are used, and whether you have more than one room inside the polling place available for voting.

#### 3.3.4.2 *Officer Training*

Pre-election training sessions should include a special class for officers working in split precincts. It is important that these officers completely understand their responsibilities on election day.

Officers of election should be familiar with the geography of the split precinct and which voters are voting in each election. While the voters' ballot style should be clearly indicated on the electronic pollbook, it is still helpful for the officers of election to know what areas, neighborhoods, and subdivisions of the precinct are in the different segments of the split. This will be helpful in explaining to voters who ask why only certain offices are on their ballot.

Officers should understand the sign-in process, the operation of separate entry slips (if used), how to handle voters who are in the wrong line (if used), when to call the registrar's office, etc. It should be emphasized that a split does not affect how the pollbook will be marked.

Finally, officers in split precincts must understand how to complete the Statements of Results (SOR); two Statements must be completed for each precinct split.



### 3.3.4.3 Conducting the Election

After the voter has been checked in on the pollbook, the officer of election should either give them an entry slip that clearly shows which machine type or ballot style to use (when treating splits separately) or give them the correct ballot style (when splits are “combined”).

For ballot scanner systems, separate scanners may be used for each split or all splits may be programmable on one scanner depending on the type of equipment and how the locality chooses to manage their splits. Machine officers must be trained on how to manage splits on their equipment prior to election day.



#### Regulation Note

**1VAC20-60-30: Electronic Devices in Polling Places.** Regulation 20-60-30(A) states that individuals may use and bring electronic devices inside the polling place. Party candidates and representatives, however, are prohibited from taking photos or videos within the polling place.

Officers of election are authorized to monitor and restrict use of electronic devices inside the polling place if an individual’s use hinders or delays the voting process, or if this device is being used to influence, intimidate, or solicit another individual’s vote (20-60-30(B)).

Those found violating 20-60-30 may be asked to stop using their electronic device, to use their electronic device outside the polling place only, or to leave the polling place entirely (20-60-30(B)). However, a voter may not be removed from the polling place for use of an electronic device until after their ballot is cast (20-60-30(C)). Any determination an officer of election makes as to the use of electronic devices in polling places is subject to immediate appeal to the local electoral board (20-60-30(D)).

Electoral boards are also forbidden from enacting any policy that categorically denies use of electronic devices in polling places (20-60-30(E)).

### 3.3.4.4 Ascertaining the Results

After the polls close, the officers of election should go about their closing/ascertainment routine as if there were two separate precincts. Two Statements of Results (SORs) should be completed for each precinct segment.

The Statement of Results (SOR) form should be labeled to identify the precinct segment it covers. Everything entered on the form should apply only to the precinct segment it covers. Particular care is required to enter the “number of voters voting” only for the relevant segment.

There is no need to separate each segment into separate election materials envelopes for return to the clerk of court or registrar. However, all sensitive materials (materials that will be needed by the electoral board during the canvass or materials that might be needed in a recount or contest) should be separately banded and bundled according to





split precinct segments. Each bundle should be labeled with a piece of paper noting the appropriate precinct segment before the bundles are placed in the appropriate envelope. There is no need to separately bundle items that are not germane to a canvass, recount or contest, such as the Code book, officer of election buttons/badges and the like.

### 3.3.4.5 *Reporting Results*

Localities that assemble their unofficial results on election night by calling them in to a central office must agree in advance on whether to report results by split precinct segment or by aggregating the segments in order to provide results for the complete precinct. The registrar or electoral board member should, when reporting to the media, report the aggregated results for the entire precinct. Reporting by split precinct segment serves no purpose and will only confuse media representatives.

## 3.4 PROCESS TO CHANGE PRECINCT OR POLLING PLACE

### 3.4.1 *HB 767 amendment of Va. Code § 24.2-309.2*

Effective July 1, 2018 no county, city, or town may “create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct” between February 1, 2019 until May 15, 2021 unless certain circumstances apply; including: (1) a law change which amends the boundaries; (2) the result of a court order; (3) a change in the form of government; or (4) the result of an increase or decrease in the number of local election districts other than at-large districts.

Counties, cities, and towns are not prohibited from adopting an ordinance revising precinct boundaries after January 2021; however, these changes will not be implemented until after May 15, 2021.

### 3.4.2 *Providing Notice to the Department of Elections*

Precinct and polling place management in VERIS is now handled by the Department of Elections. Once your change request has been submitted, ELECT will process the form and make the necessary updates in VERIS.

#### 3.4.2.1 *More Than 60 Days Before a General Election*

If it is more than 60 days before a general election, a completed SBE-15 Polling Place Relocation form must be provided to the Department of Elections along with a copy of the ordinance or minutes from the local governing body. SBE-15 may be used for multiple purposes not involving polling place relocation (e.g., precinct line change, name change, town election date change). Please check the boxes on the form that describe the requested change and provide the required information (e.g. ADA compliance and electric company information for a polling place change).



### 3.4.2.2 *60 Days or Less Before the General Election*

If there are fewer than 60 days before the general election, the general registrar or electoral board should notify the Department of Elections of the proposed emergency relocation of the polling place by submitting a completed ELECT-310 Emergency Polling Place Relocation Approval Request form.<sup>39</sup> The locality should also forward the Department a copy of a letter or some other form of correspondence that demonstrates that the local governing body is aware of the emergency polling place change.

Virginia Code §24.2-310(D) defines “emergency.” The use of ELECT-310 should only be used when circumstances call for it. For an emergency, only the polling place can be changed.

### 3.4.3 *Providing Notice to Voters*

The mailing costs and postage expenses for voter notification should be anticipated and included in the budget request associated with the precinct change.

#### 3.4.3.1 *More than 60 Days Before the Next Election*

The general registrar or electoral board must notify active voters by mailing a new voter registration notice if their county or city precinct, local election district, town/town precinct, super district, and/or legislative district (congressional, house or senate) when applicable, are changed. All active voters must be notified by mail at least 15 days prior to the next election.<sup>40</sup> Inactive voters are excluded from this requirement.<sup>41</sup>

Upon receiving a completed SBE-15 Polling Place Relocation form or ELECT-310 Emergency Polling Place Relocation Approval Request form, along with attached proof of relocation by the local governing body (an ordinance or meeting minutes), the affected voters’ registration records will be updated accordingly. The Department of Elections can generate information for the voter registration notices, but localities are responsible for printing and mailing the voter registration notices.<sup>42</sup> VERIS will not exclude inactive voters from printing voter registration notices.

Additionally, the registrar or electoral board must publish notice of changes to districts, precincts or polling places prior to enactment.<sup>43</sup> Notice must be provided in a newspaper that is generally circulated in the affected precinct once a week for two successive weeks. The public notice must “state where descriptions and maps of proposed boundary and polling place changes may be inspected.”

#### 3.4.3.2 *60 Days or Less Before the Next Election*

In the event of an emergency polling place relocation the general registrar must give notice to “all candidates, or such candidate's campaign, appearing on the ballot to be

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<sup>39</sup> See the Code of Virginia §24.2-310. See the Form Warehouse.

<sup>40</sup> See the Code of Virginia §24.2-306.

<sup>41</sup> See the Code of Virginia §24.2-101.

<sup>42</sup> See [Form Warehouse](#).

<sup>43</sup> See the Code of Virginia §§24.2-306.



voted at the alternative polling place.”<sup>44</sup> Registrars must also “provide notice to the voters appropriate to the circumstances of the emergency.”<sup>45</sup> In most circumstances outside the 15 days before the election, notice should look exactly like the notice provided for non-emergency polling place relocations (i.e. mailed voter information notices, and one notice a week for two weeks in a local paper). When the non-emergency requirements cannot be met, registrars should use all prudent means to ensure that all affected voters are notified of the emergency change.

### 3.5 REVIEW OF INFORMATION WHEN DISTRICT OR PRECINCT BOUNDARIES CHANGE

#### 3.5.1 LOCALITY’S REQUIREMENT TO PROVIDE INFORMATION

Pursuant to HB 2760 signed during the 2019 legislative session any time the governing body of a locality changes the boundaries of a district or precinct, the governing body is required to provide a copy of the ordinance and a Graphic Information System (GIS) map to the following:

- The local electoral board,
- The Department of Elections, and
- The Division of Legislative Services.<sup>46</sup>

If a locality does not have GIS capabilities, they may ask the Department of Elections for assistance in creating and providing the maps.<sup>47</sup>

#### 3.5.2 DEPARTMENT OF ELECTIONS REVIEW OF INFORMATION

Once the Department of Elections receives an ordinance and GIS map from a locality, the Department will review the information and compare it to current information in VERIS to ensure voters have been assigned to the correct districts. The Department will notify the General Registrar of any changes that may need to be made.<sup>48</sup>

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<sup>44</sup> See the Code of Virginia §24.2-310(D).

<sup>45</sup> *Id.*

<sup>46</sup> [HB 2760](#) and The Code of Virginia §§24.2-304.3 and .306.

<sup>47</sup> See the Code of Virginia §24.2-103.1.

<sup>48</sup> See the Code of Virginia § 24.2-103.1.

